

IEPA Log No.: **C-0801-13**  
CoE appl. #: **CEMVR-OD-P-2013-925-1**

Public Notice Beginning Date: **October 5, 2015**  
Public Notice Ending Date: **October 26, 2015**

Section 401 of the Federal Water Pollution Control Act  
Amendments of 1972

**Section 401 Water Quality Certification to Discharge into Waters of the State**

**Public Notice/Fact Sheet Issued By:**

Illinois Environmental Protection Agency  
Bureau of Water  
Permit Section  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
217/782-3362

**Name and Address of Discharger:** OFI Properties, LLC – P.O. Box 437, Port Byron, IL 61275

**Discharge Location:** Near East Moline in Section 20 of Township 18N, Range 1E of the 4th P.M. in Rock Island County.

**Name of Receiving Water:** Unnamed wetlands

**Project Description:** Proposed filling of 3.09 acres of wetland associated with construction of an industrial park.

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water quality certification to discharge into the waters of the state associated with a Section 404 permit application received by the U.S. Army Corps of Engineers. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice. The last day comments will be received will be on the Public Notice period ending date unless a commenter demonstrating the need for additional time requests an extension to this comment period and the request is granted by the IEPA. Interested persons are invited to submit written comments on the project to the IEPA at the above address. Commenters shall provide their names and addresses along with comments on the certification application. Commenters may include a request for public hearing. The certification and notice number(s) must appear on each comment page.

The attached Fact Sheet provides a description of the project and the antidegradation assessment.

The application, Public Notice/Fact Sheet, comments received, and other documents are available for inspection and may be copied at the IEPA at the address shown above between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

If written comments or requests indicate a significant degree of public interest in the certification application, the IEPA may, at its discretion, hold a public hearing. Public notice will be given 30 days before any public hearing. If a Section 401 water quality certification is issued, response to relevant comments will be provided at the time of the certification. For further information, please call Darren Gove at 217/782-3362.

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OFI Properties, LLC (Applicant) is applying for a 401 water quality certification for impacts associated with the development of a 126 acre site consisting of light industrial park with associated drives, parking areas, and a stormwater management system in Rock Island County, Illinois. The development will indirectly impact adjacent Sugar Creek. The property is currently farmland. Wetlands were identified on the property totaling approximately 25.70 acres.

Antidegradation assessment materials were received from the applicant under a April 8, 2015 dated cover, Joint Permit Application for Illinois, OFI Properties, ACOE Permit CEMVR-OD-P-2013-925, IEPA Log # C-0801-13, received June 16, 2015 from Neal Johnson, Wetland Strategies Environmental Consultants, Muscatine, Iowa.

### **Identification and Characterization of the Affected Water Body.**

Sugar Creek (No Segment Code) is classified as General Use water body with zero 7Q10 flow. The watershed for this segment of Sugar Creek at the proposed project area is approximately 2.87 miles. This stream segment has not been assessed under the Agency's 305(b)/303(d) program and has not been given an integrity rating nor been listed as biologically significant in the 2008 Illinois Department of Natural Resources publication Integrating Multiple Taxa in a Biological Stream Rating System. The stream segment is not enhanced in regards to the dissolved oxygen water quality standard.

### **Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses.**

A total of approximately 25.70 acres of wetlands were identified on the project site. The applicant proposes to permanently fill 3.09 acres of farmed wetlands. An additional 0.09 acres was initially filled during site development in 2013 under a Nationwide permit with the ACOE. Unavoidable impacts to wetlands will result in loss of aquatic and wildlife habitat. Pollutant load increases that would occur from this project include some suspended solids in the downstream reach during construction and pollutants associated with parking lot run-off. Utilization of chloride containing materials for deicing would increase the level of chlorides discharged from the facility.

### **Fate and Effect of Parameters Proposed for Increased Loading.**

The increase in suspended solids will be local and temporary during construction.

Approximately 25.70 acres of wetlands were identified on the project site. No wetland mitigation banks or in-lieu fee programs are currently available within the project's watershed. As compensation the applicant proposes to enlarge and provide vegetative buffer for approximately 3.67 acres of existing farmed wetland and 19 acres of existing forested/emergent wetland complex. Also, an additional 3.44 acres of farmed wetland will be restored to emergent wetland.

The restored wetlands will be constructed to a quality as good or better than what currently exists. A 30-foot vegetative buffer will surround the majority of the restored or protected wetland. A mitigation plan was included in the application with a “grant of covenant” to preserve to the wetland areas in perpetuity.

Wildlife habitat and aquatic communities at least as diverse as currently inhabit the project area are anticipated to return upon completion of construction. Sediment and erosion control measures such as silt fencing, silt traps, vegetation, and perimeter erosion barriers will be utilized. No adverse impacts to streams would occur as all water quality standards are expected to be met in the receiving waters.

### **Purpose and Social & Economic Benefits of the Proposed Activity.**

This project will construct a light industrial park allowing for more economic and employment opportunities for the community.

### **Assessments of Alternatives for Less Increase in Loading or Minimal Environmental Degradation.**

#### No Action

Under the “No-Build Alternative”, the proposed improvement will not be constructed. The “No-Build Alternative” denotes that only minor improvements, such as safety improvements and normal maintenance, would be made to the site. This alternative will not improve nor will it promote economic development. The “No-Build Alternative” does not satisfy the project’s purpose and need. Therefore, this alternative is not considered an adequate solution to meet the existing and anticipated economic needs of the community.

#### Smaller Building/Infrastructure

The Applicant stated: “Further avoidance would prevent the fulfillment of the project purpose. There is no practical way to create a reasonably-sized, efficient industrial park on the applicant’s property without filling small, farmed wetland areas. The project design represents the least damaging practicable alternative to the aquatic environment for light industrial development on this property.”

This alternative was removed from further consideration.

#### Alternate Building Site

Relocating the project would not be a viable alternative as essentially the same or more aquatic resources would be encountered at any location along the Sugar Creek watershed. According to the applicant, lack of available sites of appropriate size and within areas zone designated as industrial with proper infrastructure make this alternative not practicable.

**Summary Comments of the Illinois Department of Natural Resources, Regional Planning Commissions, Zoning Boards or Other Entities.**

IDNR has evaluated the EcoCAT information and concluded that adverse effects to State threatened and endangered species are unlikely. Consultation was terminated for IDNR on August 27, 2015.

**Agency Conclusion.**

This preliminary assessment was conducted pursuant to the Illinois Pollution Control Board regulation for Antidegradation found at 35 Ill. Adm. Code 302.105 (antidegradation standard) and was based on the information available to the Agency at the time the antidegradation review summary was written. We tentatively find that the proposed activity would result in the attainment of water quality standards; that all existing uses of the receiving streams would be maintained; that all technically and economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading have been incorporated into the proposed activity; and that this activity benefit the community at large by providing more economic opportunity. Comments received during the 401 certification public notice period will be evaluated before a final decision is made by the Agency.